

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL FONTES, an individual

Plaintiff,

VS.

AUTOCOM NETWORKS, INC., a California corporation; AUTOCOM POWER, LLC, a California limited liability company d/b/a AUTOCOM NISSAN OF OAKLAND; M&M AUTOMOTIVE GROUP, INC., a California corporation d/b/a Volkswagen of Oakland; MICHAEL P. MURPHY, an individual formerly d/b/a NISSAN OF OAKLAND; NISSAN NORTH AMERICA, INC., a California corporation; JOSE PEREZ, an individual a/k/a JOSE CARMEN PEREZ GARCIA; TDK TRUST DATED JANUARY 23, 1995, and DOES 1 through 10, inclusive,

Defendants.

STIPULATION

WHEREAS, all parties in the above captioned matter have been served and have retained counsel (as identified above); and

WHEREAS, the parties and their counsel who are submitting this Stipulation and [Proposed] Order who have not yet formally appeared in this matter request that this Stipulation and Order be considered as their appearance in the matter;

WHEREAS, on July 23, 2015 counsel met and conferred regarding portions of Rule 26(f) and have agreed to an early mediation of this dispute, utilizing the mediation services of retired

1 Judge James Ware, which mediation has been scheduled for October 8, 2015; and

2 WHEREAS, the parties consider that continuing further Rule 26(f) meet and confer items
3 and all assigned dates in this matter will allow them to conserve resources, including attorneys'
4 fees, in order that they may focus upon and have a more effective mediation in hopes of achieving
5 a settlement of the matter;

6 THEREFORE, the parties respectfully request that the Court continue all currently set
7 dates in this matter, including the dates by which Defendants are required to respond to the
8 Complaint, and the August 14, 2015 Case Management Conference. In particular, the parties
9 respectfully request that the date for defendants to file responsive pleadings be continued to
10 October 23, 2015; and that the initial Case Management Conference be scheduled on December
11 4, 2015, or at the Court's convenience sometime during or after December 4, 2015, but not on the
12 following dates, on which counsel have scheduling conflicts: December 7 through 18; December
13 24 through January 1, 2016, and January 4 through 7, 2016.

14 Respectfully submitted,

15 Dated: July 27, 2015

50 BALMY LAW, P.C.

16
17 By: /s/ Brooke Oliver
18 Brooke Oliver
Attorneys for Plaintiff DANIEL FONTES

19 Dated: July 27, 2015

ARENT FOX LLP

20 By: /s/ Victor P. Danhi
21 Aaron H. Jacoby
Victor P. Danhi

22 Attorneys for Defendants AUTOCOM
23 NETWORKS, INC., AUTOCOM POWER, LLC,
24 JOSE PEREZ, and NISSAN NORTH AMERICA,
INC.

25 Dated: July 27, 2015

BELZER & MURRAY LLP

26
27 By: /s/ William J. Murray
28 William J. Murray
Attorneys for Defendants MICHAEL P. MURPHY

1 and M&M AUTOMOTIVE GROUP, INC.

2 Dated: July 27, 2015

3 KAY & MERKLE, LLP

4 By: /s/ Douglas A. Marshall

5 Douglas A. Marshall

6 Attorneys for Defendant TDK TRUST

7 **[PROPOSED] ORDER**

8 The Court having considered the foregoing Stipulation of the Parties and good cause
9 appearing therefore, it is hereby **ORDERED** that all previously scheduled dates in this matter are
10 vacated, and the following dates shall apply:

11 In the event a dismissal of the entire action is not filed by October 23, 2015, all defendants
12 which have not been dismissed from the action shall file a responsive pleading by that date.

13 The Initial Case Management Conference shall be held on December 4, 2015 at 8:30 a.m.
14 in Courtroom 6, 17th floor, 450 Golden Gate Avenue, San Francisco, California.

15 Lead trial counsel shall meet and confer not less than thirty (30) days in advance of the
16 conference and shall file a joint case management statement in the form contained in the Civil
17 Local rules as supplemented by this order not less than seven (7) days in advance of the
18 conference.

19 If the conference is inconveniently scheduled, it may be rescheduled by stipulation and
20 order to another date or time convenient to the Court's calendar.

21 At the conclusion of the conference, an order will be entered setting dates either for a
22 further case management conference, or for close of discovery, pre-trial conference, and trial.
23 Other orders regulating and controlling future proceedings may be entered.

24 Plaintiff shall serve copies of this order at once on any parties subsequently joined, in
25 accordance with Federal Rules of Civil Procedure 4 and 5. Following service, plaintiff shall file a
26 certificate of service with the Clerk of this Court

27 **SUPPLEMENTAL TO INITIAL CASE MANAGEMENT STATEMENT**

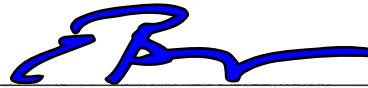
28 At the initial case management conference, the parties or at least one attorney of record

1 for each party must appear in person. See FRCP 26(f); Civil LR 16-10(a). The case management
2 statement may not exceed ten pages. It should briefly describe the parties' controversy. Any
3 party seeking damages must set forth in the statement the amount sought and the basis for its
4 calculation.

5 **Sanctions.** FAILURE TO COMPLY WITH THIS ORDER may be deemed sufficient
6 grounds for dismissal of this cause, default or other appropriate sanctions. See Federal Rules of
7 Civil Procedure 16(f), 41 (b); Civ LR 1-4.

8 **IT IS SO ORDERED.**

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10 Dated: July 28, 2015



11 CHARLES R. BREYER
12 UNITED STATES DISTRICT JUDGE
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